
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, MARCH 29, 2017.

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Wednesday, March 29, 2017.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayer.

During the session (Mr. Linsky of Natick having taken the Chair), the members, guests and employees stood in a moment of silent tribute in respect to the memory of State Police Trooper Matthew F. Daigle, who passed away unexpectedly on March 22, 2017. He was the beloved husband of Christine M. Daigle. Born in Framingham, he was the devoted son of Francis E. Daigle and his wife Patricia, and the late Laurie Daigle.

State Trooper
Matthew F.
Daigle.

A graduate of Natick High School, Matthew was a dedicated Massachusetts State Police Trooper assigned to the Framingham Barracks since 2011. He was a Veteran of the United States Air Force serving two tours of duty in Afghanistan. He received numerous commendations including the National Defense Medal, Afghanistan Campaign Medal with two Stars, and the Air Force Overseas Ribbon and Humanitarian Service Medal.

Statement Concerning Representatives Farley-Bouvier of Pittsfield and Kulik of Worthington.

A statement of Mr. Rushing of Boston concerning Representatives Farley-Bouvier of Pittsfield and Kulik of Worthington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that two of our colleagues, Representatives Farley-Bouvier of Pittsfield and Kulik of Worthington, were unable to be present in the House Chamber for today's sitting because they are on official business conducting a budget hearing of the joint committee on Ways and Means held at UMass Amherst, which is being chaired by Mr. Kulik. If they could have been present for the taking of the roll call on passing to be engrossed, as amended, the House Bill financing improvements to municipal roads and bridges (House, No. 2783, amended), they both would have voted in the affirmative. Their missing of today's roll call is due entirely to the reason stated.

Statement
concerning
Ms. Farley-
Bouvier of
Pittsfield and
Kulik of
Worthington.

Statement Concerning Representative Orrall of Lakeville.

A statement of Mrs. Poirier of North Attleborough concerning Mrs. Orrall of Lakeville was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Orrall of Lakeville, was unable to be present in the House Chamber for today's sitting because she is on official business in Washington, D.C. If she could have been present for the taking of the roll call on passing to be engrossed, as amended, the House Bill financing improvements to municipal roads and bridges (House, No. 2783, amended), she would have voted in the affirmative. Her missing of today's roll call is due entirely to the reason stated.

Statement
concerning
Mrs. Orrall
of Lakeville.

Guests of the House.

During the Session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced members of the Israeli Knesset, who are visiting to foster the political, social and economic ties between our two counties. They were the guests of Ms. Ehrlich of Marblehead.

Israeli
Knesset.

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced students from the John R. Fausey Elementary School in West Springfield, including Representative Finn of West Springfield's son, Peter. At the invitation of the Chair, the students participated in the pledge of allegiance to the flag. They were the guests of Representative Finn.

West
Springfield,—
Fausey
Elementary
School.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Speaker DeLeo of Winthrop) congratulating Lewis H. "Harry" Spence on the occasion of his retirement;

Harry
Spence.

Resolutions (filed by Ms. DiZoglio of Methuen and other members of the House) recognizing April as Parkinson's Disease Awareness Month;

Parkinson's
Disease.

Resolutions (filed by Mr. Linsky of Natick) congratulating Nico G. Kovatsis on receiving the Eagle Award of the Boy Scouts of America; and

Nico
Kovatsis.

Resolutions (filed by Mr. Linsky of Natick) on the occasion of the dedication of the Fosberg Brothers Square in the town of Natick;

Natick,—
Fosberg
Square.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Finn of West Springfield, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Representative Roy of Franklin and Senator Spilka presented a joint petition (subject to Joint Rule 12) of Jeffrey N. Roy, Richard J. Ross and Karen E. Spilka (with the approval of the town council) that the commissioner of Capital Asset Management and Maintenance be authorized to lease a certain parcel of land to the city known as the town of Franklin for landfill capping, solid waste transfer station and recycling center purposes; and the same was referred, under Rule 24, to the committee on Rules.

Franklin—
land.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint

Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Finn of West Springfield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence

A petition (subject to Joint Rules 12 and 9) of Gailanne M. Cariddi and Adam G. Hinds for legislation to authorize the commissioner of the Division of Capital Asset Management and Maintenance to grant certain easements in the town of Lanesborough for the purposes of reconstructing a bridge on Narragansett Avenue over Lake Pontoosuc, was transmitted to the State Secretary under Chapter 3 of the General Laws.

Lanesborough—
land.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Aaron Michlewitz, Brian Murray and Julian Cyr for legislation to establish a short term residential rental excise. Under suspension of the rules, on motion of Mr. Michlewitz of Boston, the report was considered forthwith. At the request of the same member, the question was divided. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred, on motion of Mr. Michlewitz, to the committee on Financial Services. Sent to the Senate for concurrence.

Airbnb, etc.—
rental
excise.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Joint petition (accompanied by bill) of Daniel M. Donahue and Michael O. Moore for legislation to establish a sick leave bank for Brenda May, an employee of the Department of Children and Families; and

Brenda May,—
sick leave.

Petition (accompanied by bill) of Rady Mom for legislation to establish a sick leave bank for Angeline Lee, an employee of the Department of Children and Families;

Angeline Lee,—
sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill) of Aaron Michlewitz relative to the composition of the Massachusetts Port Authority Community Advisory Committee. To the committee on Transportation.

Port Authority
Advisory
Committee.

Under suspension of the rules, on motion of Mr. Finn of West Springfield, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Ms. Peisch of Wellesley, for the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2864) of Paul McMurtry and others relative to the use of tobacco products in primary and secondary school buildings or facilities,— and recommending that the same be referred to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Tobacco
products,—
schools.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the town of Millis to

Millis,—
land.

transfer certain recreation property in exchange for dedication of conservation land (House, No. 1106) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Linsky of Natick, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Marie Visco (House, No. 3450), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Finn of West Springfield, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill further regulating the Baker Hill Road District in the town of Lanesborough (House, No. 1099).

By the same member, for the same committee, on a petition, a Bill authorizing the city of Cambridge to use certain land used for park, playground or recreation uses for school purposes and for installation of sub surface geothermal wells (House, No. 1100) [Local Approval Received].

By the same member, for the same committee, on a joint petition, a Bill relative to the membership of the Millbury Redevelopment Authority (House, No. 1101) [Local Approval Received].

By the same member, for the same committee, on a joint petition, a Bill authorizing the city of Chicopee to lease a certain building (House, No. 2781) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Marie Visco,—
sick leave.

Lanesborough,—
Baker Hill Road
District.

Cambridge,—
land.

Millbury
Redevelopment
Authority.

Chicopee,—
lease.

Orders of the Day.

The House Bill establishing a sick leave bank for Lucy A. Martinez, an employee of the Trial Court (House, No. 965), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Lucy A.
Martinez,—
sick leave.

Recess.

At nine minutes after eleven o'clock A.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until the hour of three o'clock P.M.; and at seventeen minutes after three o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

Reports of Committees.

Prior to the recess, Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to financing improvements to municipal roads and bridges (House, No. 2783), ought to pass with an amendment by inserting before the enacting clause the following emergency preamble:

Municipal roads
and bridges.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to finance forthwith improvements to the commonwealth’s transportation system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— to amend the bill in section 2, in lines 14 and 15, by striking out the following: “, which shall be provided by the department to the city or town not later than April 1 of each year”,— and the amendment recommended by the committee on Ways and Means, pending.

Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Dempsey of Haverhill, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets was adopted.

The amendment recommended by the committee on Ways and Means then also was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Straus of Mattapoisett, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Howitt of Seekonk moved to amend it by adding the following section:

“SECTION 5. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall amend the project guidelines relating to road building equipment classifications for chapter 90 work, by reducing the minimum weight requirement for trucks, from 27 thousand pounds to 16 thousand pounds.”.

The amendment was adopted.

Mr. Scibak of South Hadley then moved to amend the bill by inserting after section 4 the following section:

“SECTION 6. The County Bridge spanning the Connecticut River, connecting South Hadley and the city of Holyoke, Bridge No. H-21-001, shall be designated and known as the Vietnam Veterans Memorial Bridge in honor and recognition of all the men and women who served their country in the Vietnam War. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.”.

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2, in item 6122-1720, in line 9, by inserting after the word “For”, the words “grants to municipalities for”; and

In item 6122-1720, in line 14, by inserting after the word “amount” the following: “, which shall be provided by the department to the city or town not later than April 15 of each year”;

In section 3, in lines 36, 37 and 38, by striking out the sentence contained in those lines, and, in line 36, by inserting after the word “Constitution”, the following: “; provided, however, that all such bonds shall be payable not later than June 30, 2052”;

UNCORRECTED PROOF.

In section 4, in lines 48, 49 and 50, by striking out the sentence contained in those lines, and, in line 48, by inserting after the word "Constitution", the following: "; provided, however, that all such bonds shall be payable not later than June 30, 2032"; and

In the emergency preamble (inserted by amendment) by striking out the words "finance forthwith" and by inserting in place thereof the words "forthwith finance".

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Straus of Mattapoissett; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 23 in Supplement.]

Therefore the bill (House, No. 2783, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 23.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

At fourteen before four o'clock P.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.